

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1004 be amended to read as follows:

- 1 Page 18, between lines 28 and 29, begin a new paragraph and insert:
2 "SECTION 15. IC 4-33-1-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. This article applies
4 only to the following:
5 (1) Counties contiguous to Lake Michigan.
6 (2) Counties contiguous to the Ohio River.
7 (3) ~~Counties contiguous to Patoka Lake.~~ **A county having a**
8 **population of more than nineteen thousand three hundred**
9 **(19,300) but less than twenty thousand (20,000).**
10 SECTION 16. IC 4-33-1-5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. All shipments of
12 gambling devices, including slot machines, to licensed riverboats in
13 ~~this state; Indiana,~~ the registering, recording, and labeling of which
14 have been completed by the manufacturer or dealer thereof in
15 accordance with 15 U.S.C. 1171 through 1178, are legal shipments of
16 gambling devices into ~~the state of~~ Indiana.
17 SECTION 17. IC 4-33-2-11.5 IS ADDED TO THE INDIANA
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2002]: **Sec. 11.5. "Historic resort hotel"**
20 **means a hotel built before 1930 with at least three hundred (300)**
21 **sleeping rooms at the time of the hotel's original construction.**
22 SECTION 18. IC 4-33-4-2 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The commission
24 shall adopt rules under IC 4-22-2 for the following purposes:

- (1) Administering this article.
- (2) Establishing the conditions under which riverboat gambling in Indiana may be conducted.
- (3) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of riverboat gambling.
- ~~(4) With respect to riverboats that operate on Patoka Lake, ensuring:~~
 - ~~(A) the prevention of practices detrimental to the natural environment and scenic beauty of Patoka Lake; and~~
 - ~~(B) compliance by licensees and riverboat patrons with the requirements of IC 14-26-2-5 and IC 14-28-1.~~
- ~~(5)~~ (4) Establishing rules concerning inspection of riverboats and the review of the permits or licenses necessary to operate a riverboat.
- ~~(6)~~ (5) Imposing penalties for noncriminal violations of this article.

SECTION 19. IC 4-33-4-3, AS AMENDED BY P.L.14-2000, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) The commission shall do the following:

- (1) Adopt rules that the commission determines necessary to protect or enhance the following:
 - (A) The credibility and integrity of gambling operations authorized by this article.
 - (B) The regulatory process provided in this article.
 - ~~(C) The natural environment and scenic beauty of Patoka Lake.~~
- (2) Conduct all hearings concerning civil violations of this article.
- (3) Provide for the establishment and collection of license fees and taxes imposed under this article.
- (4) Deposit the license fees and taxes in the state gaming fund established by IC 4-33-13.
- (5) Levy and collect penalties for noncriminal violations of this article.
- (6) Deposit the penalties in the state gaming fund established by IC 4-33-13.
- (7) Be present through the commission's inspectors and agents during the time gambling operations are conducted on a riverboat to do the following:
 - (A) Certify the revenue received by a riverboat.
 - (B) Receive complaints from the public.
 - (C) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.
 - ~~(D) With respect to riverboats that operate on Patoka Lake, ensure compliance with the following:~~

1 ~~(i) IC 14-26-2-6.~~

2 ~~(ii) IC 14-26-2-7.~~

3 ~~(iii) IC 14-28-1.~~

4 (8) Adopt emergency rules under IC 4-22-2-37.1 if the
5 commission determines that:

6 (A) the need for a rule is so immediate and substantial that
7 rulemaking procedures under IC 4-22-2-13 through
8 IC 4-22-2-36 are inadequate to address the need; and

9 (B) an emergency rule is likely to address the need.

10 (b) The commission shall begin rulemaking procedures under
11 IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted
12 under subsection (a)(8) not later than thirty (30) days after the adoption
13 of the emergency rule under subsection (a)(8).

14 SECTION 20. IC 4-33-4-13 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) **This section**
16 **does not apply to a riverboat located in a county having a**
17 **population of more than nineteen thousand three hundred (19,300)**
18 **but less than twenty thousand (20,000).**

19 (b) After consulting with the United States Army Corps of
20 Engineers, the commission may do the following:

21 (1) Determine the waterways that are navigable waterways for
22 purposes of this article.

23 (2) Determine the navigable waterways that are suitable for the
24 operation of riverboats under this article.

25 ~~(b)~~ (c) In determining the navigable waterways on which riverboats
26 may operate, the commission shall do the following:

27 (1) Obtain any required approvals from the United States Army
28 Corps of Engineers for the operation of riverboats on those
29 waterways.

30 (2) Consider the economic benefit that riverboat gambling
31 provides to Indiana.

32 (3) Seek to ensure that all regions of Indiana share in the
33 economic benefits of riverboat gambling.

34 ~~(4) Considering IC 14-26-2-6, IC 14-26-2-7, and IC 14-28-1,~~
35 ~~conduct a feasibility study concerning:~~

36 ~~(A) the environmental impact of the navigation and docking of~~
37 ~~riverboats upon Patoka Lake; and~~

38 ~~(B) the impact of the navigation and docking of riverboats~~
39 ~~upon the scenic beauty of Patoka Lake.~~

40 SECTION 21. IC 4-33-4-15 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 15. The commission
42 shall annually do the following:

43 (1) Review the patterns of wagering and wins and losses by
44 persons on riverboat gambling operations under this article.

45 (2) Make recommendations to the governor and the general
46 assembly concerning whether limits on wagering losses should be

1 imposed.

2 ~~(3) Examine the impact on the natural environment and scenic~~
 3 ~~beauty of Patoka Lake made by the navigation and docking of~~
 4 ~~riverboats.~~

5 SECTION 22. IC 4-33-6-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The commission
 7 may issue to a person a license to own one (1) riverboat subject to the
 8 numerical and geographical limitation of owner's licenses under this
 9 section and IC 4-33-4-17. However, not more than eleven (11) owner's
 10 licenses may be in effect at any time. Except as provided in subsection
 11 (b), those eleven (11) licenses are as follows:

12 (1) Two (2) licenses for a riverboat that operates from the largest
 13 city located in the counties described under IC 4-33-1-1(1).

14 (2) One (1) license for a riverboat that operates from the second
 15 largest city located in the counties described under
 16 IC 4-33-1-1(1).

17 (3) One (1) license for a riverboat that operates from the third
 18 largest city located in the counties described under
 19 IC 4-33-1-1(1).

20 (4) One (1) license for a city located in the counties described
 21 under IC 4-33-1-1(1). This license may not be issued to a city
 22 described in subdivisions (1) through (3).

23 (5) A total of five (5) licenses for riverboats that operate upon the
 24 Ohio River from counties described under IC 4-33-1-1(2). The
 25 commission may not issue a license to an applicant if the issuance
 26 of the license would result in more than one (1) riverboat
 27 operating from a county described in IC 4-33-1-1(2).

28 (6) One (1) license for a riverboat ~~that operates upon Patoka Lake~~
 29 ~~from~~ **located in** a county described under IC 4-33-1-1(3).

30 (b) If a city described in subsection (a)(2) or (a)(3) conducts two (2)
 31 elections under section 20 of this chapter, and the voters of the city do
 32 not vote in favor of permitting riverboat gambling at either of those
 33 elections, the license assigned to that city under subsection (a)(2) or
 34 (a)(3) may be issued to any city that:

35 (1) does not already have a riverboat operating from the city; and

36 (2) is located in a county described in IC 4-33-1-1(1).

37 SECTION 23. IC 4-33-6-6 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) A riverboat that
 39 operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2)
 40 must:

41 (1) have a valid certificate of inspection from the United States
 42 Coast Guard for the carrying of at least five hundred (500)
 43 passengers; and

44 (2) be at least one hundred fifty (150) feet in length.

45 (b) A riverboat that operates ~~on Patoka Lake~~ **in a county described**
 46 **under IC 4-33-1-1(3)** must:

(1) have the capacity to carry at least five hundred (500) passengers;

(2) be at least one hundred fifty (150) feet in length; and

(3) meet safety standards required by the commission.

(c) This subsection applies only to a riverboat that operates on the Ohio River. A riverboat must replicate, as nearly as possible, historic Indiana steamboat passenger vessels of the nineteenth century. However, steam propulsion or overnight lodging facilities are not required under this subsection.

SECTION 24. IC 4-33-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 19. (a) This section applies to:

(1) a county contiguous to the Ohio River;

~~(2) a county contiguous to Patoka Lake; and~~

~~(3)~~ (2) a county contiguous to Lake Michigan that has a population of less than four hundred thousand (400,000).

(b) Notwithstanding any other provision of this article, the commission may not issue a license under this article to allow a riverboat to operate in the county unless the voters of the county have approved the conducting of gambling games on riverboats in the county.

(c) If the docking of a riverboat in the county is approved by an ordinance adopted under section 18 of this chapter, or if at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the county during the next general election:

"Shall licenses be issued to permit riverboat gambling in ____ County?".

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a county and the voters of the county do not vote in favor of permitting riverboat gambling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of the county vote to reject riverboat gambling a second time, a third or subsequent public question under this section may not be held in that county until the general election held during the tenth year following the year that the previous public question was placed on the ballot.

SECTION 25. IC 4-33-6-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 19.5. (a) This section applies to a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).**

(b) The commission may issue only one (1) license under this article to allow a riverboat to operate in the county within a historic preservation and development district established under IC 4-33-16.

(c) The commission may not issue a license under this article to allow a riverboat to operate in the county unless the voters of:

(1) a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200) located in the county; and

(2) a town having a population of less than one thousand five hundred (1,500) located in the county;

have approved gambling on riverboats in the county.

(d) If at least the number of registered voters of the town required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the clerk of the circuit court requesting that a local public question concerning riverboat gambling be placed on the ballot, the county election board shall place the following question on the ballot in the town described in subsection (c) during the next primary or general election or a special election held under this section:

"Shall a license be issued to allow riverboat gambling in the town of _____?"

(e) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9.

(f) If a public question is placed on the ballot under this section and the voters of the town do not vote in favor of allowing riverboat gambling under IC 4-33, another public question regarding riverboat gambling may not be held in the town for at least two (2) years.

(g) In a special election held under this section:

(1) IC 3 applies, except as otherwise provided in this section; and

(2) at least as many precinct polling places as were used in the towns described in subsection (c) during the most recent municipal election must be used for the special election.

(h) The clerk of the circuit court of a county holding an election under this section shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

SECTION 26. IC 4-33-10-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 2.5. (a) This section applies only to property given after June 30, 1996.**

(b) The definitions in IC 3-5-2 apply to this section to the extent

1 they do not conflict with the definitions in this article.

2 (c) As used in this section, "license" means:

3 (1) an owner's license issued under this article; or

4 (2) a supplier's license issued under this article to a supplier of
5 gaming supplies or equipment, including electronic gaming
6 equipment.

7 (d) As used in this section, "licensee" means a person who holds a
8 license.

9 (e) As used in this section, "officer" refers only to either of the
10 following:

11 (1) An individual listed as an officer of a corporation in the
12 corporation's most recent annual report.

13 (2) An individual who is a successor to an individual described in
14 subdivision (1).

15 (f) For purposes of this section, a person is considered to have an
16 interest in a licensee if the person satisfies any of the following:

17 (1) The person holds at least a one percent (1%) interest in the
18 licensee.

19 (2) The person is an officer of the licensee.

20 (3) The person is an officer of a person that holds at least a one
21 percent (1%) interest in the licensee.

22 (4) The person is a political action committee of the licensee.

23 (g) A licensee or a person with an interest in a licensee may not give
24 any property (as defined in IC 35-41-1-23) to a member of a precinct
25 committee to induce the member of the precinct committee to do any
26 act or refrain from doing any act with respect to the approval of a local
27 public question under IC 4-33-6-19 **or IC 4-33-6-19.5.**

28 (h) A person who knowingly or intentionally violates this section
29 commits a Class D felony."

30 Page 20, line 8, strike "that".

31 Page 20, line 9, strike "operates on Patoka Lake," and insert
32 **"located in a county described in IC 4-33-1-1(3),"**

33 Page 20, strike lines 11 through 33, begin a new line block indented
34 and insert:

35 **"(1) Forty cents (\$0.40) of the admissions tax collected by the**
36 **licensed owner for each person embarking on the riverboat**
37 **during the quarter shall be paid to the county.**

38 **(2) Forty cents (\$0.40) of the admissions tax collected by the**
39 **licensed owner for each person embarking on the riverboat**
40 **during the quarter shall be paid to a town having a population**
41 **of more than one thousand five hundred (1,500) but less than**
42 **two thousand two hundred (2,200) located in a county having**
43 **a population of more than nineteen thousand three hundred**
44 **(19,300) but less than twenty thousand (20,000).**

45 **(3) Forty cents (\$0.40) of the admissions tax collected by the**
46 **licensed owner for each person embarking on the riverboat**

1 during the quarter shall be paid to a town having a population
 2 of less than one thousand five hundred (1,500) located in a
 3 county having a population of more than nineteen thousand
 4 three hundred (19,300) but less than twenty thousand
 5 (20,000).

6 (4) Ten cents (\$0.10) of the admissions tax collected by the
 7 licensed owner for each person embarking on the riverboat
 8 during the quarter shall be paid to the county convention and
 9 visitors bureau or promotion fund for the county in which the
 10 riverboat is located.

11 (5) Fifteen cents (\$0.15) of the admissions tax collected by the
 12 licensed owner for each person embarking on the riverboat
 13 during a quarter shall be paid to the state fair commission for
 14 use in any activity that the commission is authorized to carry
 15 out under IC 15-1.5-3.

16 (6) Ten cents (\$0.10) of the admissions tax collected by the
 17 licensed owner for each person embarking on the riverboat
 18 during the quarter shall be paid to the division of mental
 19 health and addiction. The division shall allocate at least
 20 twenty-five percent (25%) of the funds derived from the
 21 admissions tax to the prevention and treatment of compulsive
 22 gambling.

23 (7) Sixty-five cents (\$0.65) of the admissions tax collected by
 24 the licensed owner for each person embarking on the
 25 riverboat during the quarter shall be paid as follows:

26 (A) Twenty cents (\$0.20) to a county having a population
 27 of more than ten thousand seven hundred (10,700) but less
 28 than twelve thousand (12,000).

29 (B) Twenty cents (\$0.20) to a county having a population
 30 of more than thirty-nine thousand six hundred (39,600) but
 31 less than forty thousand (40,000).

32 (C) Twenty-five cents (\$0.25) to the Patoka Lake
 33 Development account established under IC 4-33-15.

34 (8) Twenty-five cents (\$0.25) of the admissions tax collected by
 35 the licensed owner for each person embarking on the
 36 riverboat during a quarter shall be paid to the tourism
 37 commission of a town having a population of more than one
 38 thousand five hundred (1,500) but less than two thousand two
 39 hundred (2,200) located in a county having a population of
 40 more than nineteen thousand three hundred (19,300) but less
 41 than twenty thousand (20,000).

42 (9) Twenty-five cents (\$0.25) of the admissions tax collected by
 43 the licensed owner for each person embarking on the
 44 riverboat during a quarter shall be paid to the tourism
 45 commission of a town having a population of less than one
 46 thousand five hundred (1,500) located in a county having a
 47 population of more than nineteen thousand three hundred

(19,300) but less than twenty thousand (20,000).

(10) Thirty cents (\$0.30) of the admissions tax collected by the licensed owner for each person embarking on the riverboat during a quarter shall be paid to Historic Landmarks Foundation of Indiana, Inc."

Page 20, line 35, strike "(c)(1):" and insert "(c):".

Page 21, line 4, after "(b)(3)" insert "or (c)(4)".

Page 21, line 13, strike "(c)(5):" and insert "(c)(6):".

Page 22, line 22, after "Sec. 5." insert **"(a) This subsection does not apply to tax revenue remitted by a licensed owner operating a riverboat in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000)."**

Page 22, line 31, after ";" insert "or".

Page 22, strike lines 32 through 34.

Page 22, line 35, strike "(C)" and insert "(B)".

Page 22, line 38, delete "(A)" and insert "(A)".

Page 22, line 38, strike "or a county described in clause (B); and".

Page 23, between lines 3 and 4, begin a new paragraph and insert:

"(b) This subsection applies only to the tax revenue remitted by a licensed owner operating a riverboat in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000). After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The amount determined under section (1)(f)(3) of this chapter for the licensed owner shall be paid as follows:

(A) Twenty-five percent (25%) of the amount described in subdivision (1) shall be paid to the county.

(B) Twenty-five percent (25%) of the amount described in subdivision (1) shall be paid to a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200) located in the county.

(C) Twenty-five percent (25%) of the amount described in subdivision (1) shall be paid to a town having a population of less than one thousand five hundred (1,500) located in the county.

(D) Ten percent (10%) of the amount described in subdivision (1) shall be paid to the tourism commission of a town described in clause (B).

(E) Ten percent (10%) of the amount described in subdivision (1) shall be paid to the tourism commission of a town described in clause (C).

(F) Five percent (5%) of the amount described in subdivision (1) shall be paid to the county to be distributed

as provided in subsection (c).

(2) The amount determined under section (1)(f)(4) of this chapter for the licensed owner shall be paid to the build Indiana fund lottery and gaming surplus account.

(3) The amount determined under section (1)(f)(5) for the licensed owner shall be paid to the state general fund.

(c) The county treasurer of the county described in subsection (b) shall set aside the wagering tax revenue paid to the county under subsection (b)(1)(F) in a separate account. Money in the account must be used to provide grants to governmental entities other than the county and the towns described in subsection (b). The fiscal bodies of the county and the towns shall act in concert to select qualified recipients of grants from the account. The fiscal body of the county may not appropriate money from the account to make a grant under this subsection unless the fiscal bodies of the towns have adopted resolutions approving the recipient and the amount of the grant.

SECTION 19. IC 4-33-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. Money in the account may be used only for one (1) or more of the following purposes to provide parking facilities and other capital projects that the department of natural resources determines are necessary for the proper operation of a riverboat on Patoka Lake: in a county described in IC 4-33-1-1(3):

- (1) Site improvements.
- (2) Infrastructure improvements.
- (3) Buildings.
- (4) Structures.
- (5) Rehabilitation, renovation, and enlargement of buildings and structures.
- (6) Machinery.
- (7) Equipment.
- (8) Furnishings.
- (9) Facilities.

SECTION 20. IC 4-33-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 16. Historic Hotel Preservation and Development District

Sec. 1. This chapter applies to:

- (1) a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200); and
- (2) a town having a population of less than one thousand five hundred (1,500);

located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand

1 (20,000).

2 Sec. 2. As used in this chapter, "board" refers to the board of
3 directors of the historic hotel preservation and development
4 district established under section 3 of this chapter.

5 Sec. 3. (a) There is established in the towns described in section
6 1 of this chapter a historic hotel preservation and development
7 district.

8 (b) The district includes all territory within the towns described
9 in section 1 of this chapter.

10 Sec. 4. (a) The district is a body corporate and politic that may
11 sue or be sued and plead and be impleaded. The district has the
12 powers and jurisdiction provided in this chapter.

13 (b) The exercise by the district of the district's powers is an
14 essential governmental function of the state and the towns in which
15 the district is located, but the district is not immune from liability.

16 Sec. 5. The district is established for the purpose of managing
17 and supervising, in conjunction with other state authorities, the
18 commercial, economic, and recreational development of the
19 territory in which the district is formed.

20 Sec. 6. (a) The district shall be governed by a board of directors
21 consisting of the following five (5) members:

22 (1) A member of the legislative body of a town having a
23 population of more than one thousand five hundred (1,500)
24 but less than two thousand two hundred (2,200) located in the
25 county, who is appointed by the legislative body of the town.

26 (2) A member of the legislative body of a town having a
27 population of less than one thousand five hundred (1,500)
28 located in the county, who is appointed by the legislative body
29 of the town.

30 (3) The owner of a historic resort hotel located in a town
31 described in subdivision (1) or the owner's designee.

32 (4) The owner of a historic resort hotel located in a town
33 described in subdivision (2) or the owner's designee.

34 (5) A representative of the Historic Landmarks Foundation of
35 Indiana, Inc., appointed by the governor upon the
36 recommendation of the board of trustees of the foundation.

37 (b) The director appointed under subsection (a)(5) shall serve a
38 two (2) year term beginning July 1, 2002, and July 1 of each
39 even-numbered year thereafter.

40 Sec. 7. (a) The board of directors shall meet in a public place
41 within the towns in which the district is formed after giving notice.

42 (b) The board shall cause a detailed written record to be kept in
43 the form of minutes of all the board's meetings. The board shall
44 meet at least four (4) times annually.

45 Sec. 8. Each member of the board is entitled to the minimum
46 salary per diem provided by IC 4-10-11-2.1(b). The member is also
47 entitled to reimbursement for travel expenses as provided under

1 IC 4-13-1-4 and other expenses actually incurred in connection
 2 with the member's duties as provided in the state policies and
 3 procedures established by the Indiana department of
 4 administration and approved by the budget agency.

5 Sec. 9. Three (3) members constitute a quorum.

6 Sec. 10. Each year, the board shall elect the following officers
 7 from among the board's members:

8 (1) A chairperson.

9 (2) A vice chairperson.

10 (3) A treasurer.

11 Each officer shall serve a term of one (1) year beginning July 1.

12 Sec. 11. The board has and may exercise the following powers
 13 and duties:

14 (1) To manage and supervise, to the extent permitted by this
 15 article, the development of riverboat gaming within the
 16 jurisdiction of the district.

17 (2) To assist other agencies of state and local government
 18 having jurisdiction over the territory within the district.

19 (3) To enter into contracts in furtherance of the district's
 20 purposes, including, without limitation, the construction,
 21 maintenance, and operation of a riverboat under this article.

22 (4) To employ a professional staff to assist the board in
 23 carrying out its duties and to engage consultants, attorneys,
 24 accountants, and other professional personnel who are
 25 necessary to carry out the duties of the board.

26 (5) To prepare a budget annually, and to appropriate funds
 27 for the discharge of the district's purposes and duties.

28 (6) To acquire and dispose of real or personal property by
 29 grant, gift, purchase, lease, devise, or otherwise.

30 (7) To hold, use, improve, maintain, operate, own, manage, or
 31 lease (as lessor or lessee) real or personal property or any
 32 interest in that property.

33 (8) To sue and be sued.

34 (9) To make grants for the following:

35 (A) The preservation, restoration, maintenance, operation,
 36 and development of the historic resort hotels located in the
 37 towns described in section 1 of this chapter.

38 (B) The promotion of the historic, scenic, aesthetically
 39 pleasing, cultural, educational, and recreational nature of
 40 the community in which the historic resort hotels are
 41 located.

42 (10) Any other power necessary or incidental to the operation
 43 and management of a riverboat.

44 (11) Any other power necessary or incidental to the
 45 preservation, restoration, maintenance, operation, and
 46 development of the historic resort hotels located in the towns
 47 described in section 1 of this chapter and the surrounding

community.

Sec. 12. The district shall do the following:

- (1) Own the gaming license described in IC 4-33-6-1(a)(6).
- (2) Purchase the real estate upon which a riverboat having the license described in IC 4-33-6-1(a)(6) may be constructed.
- (3) Develop a request for proposals for persons interested in operating a riverboat under IC 4-33 on the real estate owned by the commission.
- (4) Collect and remit the riverboat admissions tax and the riverboat wagering tax.
- (5) Promote the preservation, restoration, maintenance, operation, and development of the historical nature and legacy of:
 - (A) the historic resort hotels located in the towns described in section 1 of this chapter; and
 - (B) the surrounding community.
- (6) Promote the historic preservation, restoration, maintenance, operation, and development of the historic resort hotels located in the towns described in section 1 of this chapter.
- (7) Cooperate in the development of a comprehensive tourism and development strategy designed to enhance occupancy rates and overnight stays at the historic resort hotel located in a town described in section 1(1) of this chapter.
- (8) Promote the development of the historic, scenic, aesthetically pleasing, cultural, educational, and recreational nature of the community in which the historic resort hotels are located.
- (9) Cooperate with the department of transportation to improve highway access and rail routes to the towns described in section 1 of this chapter.
- (10) Cooperate with local boards of aviation commissioners to enhance and improve airport facilities in and air transportation to the towns described in section 1 of this chapter.
- (11) Appoint a historic preservation advisory committee consisting of at least five (5) individuals nominated by the Historic Landmarks Foundation of Indiana, Inc.

Sec. 13. The title to real property donated, given, devised, or bequeathed to the district or purchased by the district must be:

- (1) good and sufficient;
- (2) approved by the attorney general; and
- (3) taken in the name of the district.

Sec. 14. Money acquired by the district:

- (1) is subject to the laws concerning the deposit and safekeeping of public money; and
- (2) must be deposited under the advisory supervision of the

1 state board of finance in the same way and manner, at the
 2 same rate of interest, and under the same restrictions as other
 3 state money.

4 **Sec. 15.** The money of the district and the accounts of each
 5 officer, employee, or other person entrusted by law with the
 6 raising, disposition, or expenditure of the money or part of the
 7 money are subject to the following:

8 (1) Examination by the state board of accounts.

9 (2) The same penalties and the same provision for publicity
 10 that are provided by law for state money and state officers.

11 **Sec. 16.** Proceeds from the acquisition or disposition of real or
 12 personal property by the district under the district's powers under
 13 section 11(6) or 11(7) of this chapter must be divided equally
 14 between the trust funds established under IC 4-33-17 and
 15 IC 4-33-18.

16 SECTION 21. IC 4-33-17 IS ADDED TO THE INDIANA CODE
 17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2002]:

19 **Chapter 17. French Lick Historic Resort Hotel Trust Fund**

20 **Sec. 1.** As used in this chapter, "board" refers to the board of
 21 directors of the historic hotel preservation and development
 22 district established under IC 4-33-16.

23 **Sec. 2.** As used in this chapter, "fund" refers to the French Lick
 24 historic resort hotel trust fund established by section 3 of this
 25 chapter.

26 **Sec. 3. (a)** The French Lick historic resort hotel trust fund is
 27 established.

28 (b) The fund consists of the following:

29 (1) Money disbursed from the board.

30 (2) Donations.

31 (3) Interest and dividends on assets of the fund.

32 (4) Money transferred to the fund from other funds.

33 (5) Money from any other source.

34 **Sec. 4. (a)** The board shall manage and develop the fund and the
 35 assets of the fund.

36 (b) The board shall do the following:

37 (1) Establish a policy for the investment of the fund's assets.

38 (2) Perform other tasks consistent with prudent management
 39 and development of the fund.

40 **Sec. 5. (a)** Subject to the investment policy of the board, the
 41 treasurer of state shall administer the fund and invest the money
 42 in the fund.

43 (b) The expenses of administering the fund and implementing
 44 this chapter shall be paid from the fund.

45 (c) The treasurer of state shall invest the money in the fund not
 46 currently needed to meet the obligations of the fund in the same
 47 manner as other public funds are invested. Interest that accrues

1 from these investments shall be deposited in the fund.

2 (d) Money in the fund at the end of a state fiscal year does not
3 revert to the state general fund.

4 **Sec. 6.** The board has the sole authority to allocate money from
5 the fund for the purpose of the preservation, restoration,
6 maintenance, operation, and development of the French Lick
7 historic resort hotel. The board shall allocate money from the fund
8 upon the request of the French Lick historic resort hotel for the
9 purposes set forth in this section.

10 **Sec. 7.** The board shall prepare an annual report concerning the
11 fund and submit the report to the legislative council before
12 October 1 of each year. The report is a public record.

13 SECTION 22. IC 4-33-18 IS ADDED TO THE INDIANA CODE
14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2002]:

16 **Chapter 18. West Baden Springs Historic Resort Hotel Trust**
17 **Fund**

18 **Sec. 1.** As used in this chapter, "board" refers to the board of
19 directors of the historic hotel preservation and development
20 district established under IC 4-33-16.

21 **Sec. 2.** As used in this chapter, "fund" refers to the West Baden
22 Springs historic resort hotel trust fund established by section 3 of
23 this chapter.

24 **Sec. 3. (a)** The West Baden Springs historic resort hotel trust
25 fund is established.

26 (b) The fund consists of the following:

- 27 (1) Money disbursed from the board.
- 28 (2) Donations.
- 29 (3) Interest and dividends on assets of the fund.
- 30 (4) Money transferred to the fund from other funds.
- 31 (5) Money from any other source.

32 **Sec. 4. (a)** The board shall manage and develop the fund and the
33 assets of the fund.

34 (b) The board shall do the following:

- 35 (1) Establish a policy for the investment of the fund's assets.
- 36 (2) Perform other tasks consistent with prudent management
37 and development of the fund.

38 **Sec. 5. (a)** Subject to the investment policy of the board, the
39 treasurer of state shall administer the fund and invest the money
40 in the fund.

41 (b) The expenses of administering the fund and implementing
42 this chapter shall be paid from the fund.

43 (c) The treasurer of state shall invest the money in the fund not
44 currently needed to meet the obligations of the fund in the same
45 manner as other public funds are invested. Interest that accrues
46 from these investments shall be deposited in the fund.

47 (d) Money in the fund at the end of a state fiscal year does not

1 revert to the state general fund.

2 **Sec. 6.** The board has the sole authority to allocate money from
3 the fund for the purpose of the preservation, restoration,
4 maintenance, operation, and development of the West Baden
5 Springs historic resort hotel. The board shall allocate money from
6 the fund upon the request of the West Baden Springs historic
7 resort hotel for the purposes set forth in this section.

8 **Sec. 7.** The board shall prepare an annual report concerning the
9 fund and submit the report to the legislative council before
10 **October 1** of each year. The report is a public record.

11 SECTION 23. IC 4-33-19 IS ADDED TO THE INDIANA CODE
12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2002]:

14 **Chapter 19. Gambling Operations in a Certain County**

15 **Sec. 1.** This chapter applies only to a county described in
16 **IC 4-33-1-1(3).**

17 **Sec. 2.** As used in this chapter, "board" refers to the board of
18 directors of the historic hotel preservation and development
19 district established under IC 4-33-16.

20 **Sec. 3.** As used in this chapter, "district" refers to the historic
21 hotel preservation and development district established under
22 **IC 4-33-16.**

23 **Sec. 4.** As used in this chapter, "operating expenses" means the
24 following:

25 (1) Money spent by the board in the exercise of the board's
26 powers under IC 4-33-16 as limited by section 5 of this
27 chapter.

28 (2) Money spent to operate the riverboat.

29 (3) Management fees paid to the riverboat operator.

30 **Sec. 5.** The amount of money that the board may spend each
31 year in the exercise of the board's powers under IC 4-33-16 may
32 not exceed an amount equal to:

33 (1) twenty-five cents (\$0.25); multiplied by

34 (2) the number of patrons that embark on the riverboat
35 owned by the development commission for a gambling
36 excursion during the year.

37 **Sec. 6.** A riverboat authorized under this article for a county
38 described in IC 4-33-1-1(3) must be located on real property owned
39 by the district.

40 **Sec. 7.** The board may apply to the commission for a license to
41 operate a riverboat under this chapter on real property owned by
42 the district.

43 **Sec. 8.** The board shall contract with another person to operate
44 a riverboat located in the county.

45 **Sec. 9.** The net income derived from the riverboat after the
46 payment of all operating expenses shall be equally divided between
47 the French Lick historic resort hotel trust fund established under

1 **IC 4-33-17 and the West Baden Springs historic resort hotel trust**
2 **fund established under IC 4-33-18.**

3 **Sec. 10. (a) A gambling game offered at a riverboat owned by**
4 **the district must be:**

5 **(1) played on operational reproductions of historic gaming**
6 **equipment; or**

7 **(2) played with reproductions of historic playing cards, dice,**
8 **tickets, punchboards, or other wagering devices.**

9 **(b) The board may not install gaming equipment under this**
10 **section unless the gaming equipment is approved by the**
11 **commission.**

12 **(c) The commission shall adopt rules under IC 4-22-2 to**
13 **establish criteria for the approval of gaming equipment and**
14 **wagering devices under this chapter."**

15 Page 300, line 30, after "[EFFECTIVE JULY 1, 2002]:" insert
16 "IC 4-33-4-19;"

17 Renumber all SECTIONS consecutively.

(Reference is to HB 1004 as printed January 22, 2002.)

Representative Denbo